

UNITED STATES DISTRICT COURT
EASTERN DIVISION OF MISSOURI
EASTERN DIVISION

DONALD WARE,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:03CV01334 ERW
)	(AGF)
DONNA McCONDICHIE,)	
)	
Respondent.)	

ORDER

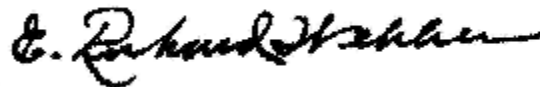
This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge Audrey G. Fleissig [doc. #20] pursuant to 28 U.S.C. § 636(b).

The Court notes that no objections were filed to the Report and Recommendation. After consideration of the issues, the Court hereby sustains, adopts, and incorporates herein the Magistrate's Report and Recommendation. In addition, the Court finds that Petitioner cannot make a substantial showing of the denial of a constitutional right, which is required before a certificate of appealability can issue. *See Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997). Therefore, the Court shall not issue a certificate of appealability as to any claim raised in Petitioner's § 2254 petition.

Accordingly,

IT IS HEREBY ORDERED that Petitioner Donald Ware's § 2254 Petition [doc. #6] is **DENIED**.

Dated this 22nd day of August, 2006.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE